

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ENGELHARD CORPORATION,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

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Civil Action No. 05-11241-JLT

ORDER

August 9, 2006

TAURO, J.

This court hereby orders that:

1. The United States' Motion for Partial Dismissal [#10] is DENIED WITHOUT PREJUDICE to raising the issues presented in the aforesaid motion after resolution of Engelhard Corporation's Motion for Declaratory and Summary Judgment [#26] and the United States' Motion for Judgment on the Pleadings on Plaintiff's Fourth Cause of Action [#28].

IT IS SO ORDERED.

/s/ Joseph L. Tauro  
United States District Judge